

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

EDNA GARCIA COLON et al.,

Plaintiffs,

v.

KMART CORPORATION et al.,

Defendants.

CIVIL NO. 98-1478

RECEIVED & FILED  
99 OCT 19 PM 1:54  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

**ORDER SETTING DISCOVERY DEADLINES AND SCHEDULING  
PRETRIAL/SETTLEMENT CONFERENCE AND TRIAL**

The Joint Discovery Timetable submitted by the parties on October 6, 1999 is hereby APPROVED, subject to the modifications set forth below.<sup>1</sup>

**WRITTEN DISCOVERY**

All WRITTEN DISCOVERY, i.e., interrogatories, requests for production of documents, requests for admissions, etc. shall be propounded no later than December 10, 1999.

**AMENDMENT TO THE PLEADINGS**

No further amendments to the pleadings shall be permitted.

---

<sup>1</sup> See Informative Motion filed the parties on October 6, 1999. The Clerk of the Court shall file this informative motion as a motion submitting discovery deadlines and assign a docket number thereto as appropriate.

CIVIL NO. 98-1478 (RLA)

Page 2

**DEPOSITIONS OF FACT WITNESSES**

All DEPOSITIONS OF FACT WITNESSES, including the parties, shall be concluded **no later than December 10, 1999.**

**EXPERT WITNESSES**

The REPORT(s) of all expert witnesses plaintiffs and defendants intend to utilize at trial shall be provided to opposing counsel **no later than December 14, 1999.**

The DEPOSITION(S) of plaintiffs' and defendants' expert witness(es) shall be taken **no later than January 14, 2000.**

The parties are admonished that **all** written expert reports shall include:

"[A] **complete statement** of all opinions to be expressed and the basis and **reasons therefor**; the data or other information considered by the witness in forming the opinions; any **exhibits** to be used as a summary of or support for the opinions; the **qualifications** of the witness, including a list of all **publications** authored by the witness within the preceding ten years; the **compensation** to be paid for the study and testimony; and a **listing of any other cases** in

CIVIL NO. 98-1478 (RLA)

Page 3

1           which the witness has testified as an expert at  
2           trial or by deposition within the preceding four  
3           years."     Rule 26(a)(2)(B) Fed. R. Civ. P.  
4           (emphasis ours).

#### DISPOSITIVE MOTIONS

7           The deadline for submitting dispositive motions, if any, to  
8           opposing counsel in accordance with the procedure set forth in the  
9           STANDING ORDER - PROCEDURE FOR FILING DISPOSITIVE MOTIONS IN CIVIL  
10          TRIALS ASSIGNED TO JUDGE RAYMOND L. ACOSTA, issued on May 19, 1998,  
11          is **January 31, 2000**.

#### FAILURE TO COMPLY

14          Counsel are admonished that the failure to comply with the terms  
15          of this Order may result in the imposition of sanctions upon the  
16          party and/or counsel personally, including but not limited to the  
17          payment of reasonable expenses and/or the striking of claims,  
18          defenses or witnesses.

#### PRETRIAL AND TRIAL SETTINGS

21          A JURY TRIAL in these proceedings shall commence on **March 16,**  
22          **2000, at 9:30 a.m.**

24          A PRETRIAL/SETTLEMENT CONFERENCE is hereby scheduled for **March**  
25          **9, 2000, at 3:30 p.m.** Counsel for the parties shall appear prepared  
26

CIVIL NO. 98-1478 (RLA)

Page 4

1 to discuss settlement negotiations in earnest with the necessary  
2 authority from their respective clients.  
3

#### 4 PRETRIAL ORDER

5 A PROPOSED JOINT PRETRIAL ORDER shall be filed on or before  
6 March 2, 2000.<sup>2</sup> Once approved by the Court, the Proposed Joint  
7 Pretrial Order may be modified only upon a showing of good cause.  
8

9 The PROPOSED JOINT PRETRIAL ORDER shall set forth the following:

#### 10 I. Nature of the Case

11 A statement of the nature of the case agreed upon by  
12 all parties. In the event that the parties cannot agree upon a  
13 single description, separate versions shall be submitted.  
14

#### 15 II. Theories of the Parties

16 Each party shall present concisely its pertinent  
17 legal theories including applicable citations to statutes and  
18 caselaw. Counsel are directed to fully disclose all trial  
19 issues since the Proposed Joint Pretrial Order will supersede  
20 the pleadings in establishing the issues to be heard and  
21 considered at trial.  
22

---

23  
24  
25 <sup>2</sup> A courtesy copy shall be delivered directly to the chambers  
26 of the undersigned.

CIVIL NO. 98-1478 (RLA)

Page 5

---

**III. Admitted Facts**

The parties shall provide a comprehensive listing of all admitted or stipulated facts.

**IV. Contested Facts**

The parties shall provide a listing of contested facts.

**V. List of Exhibits**

This section shall contain a listing of all exhibits which have been pre-marked/numbered. Each exhibit shall be identified by a descriptive title as well as its identification number. The parties shall indicate which exhibits, if any, are not objected to by opposing counsel. An additional copy of all documents intended to be used at trial shall also be furnished to the undersigned in accordance with the STANDING ORDER FOR CIVIL TRIALS issued by the undersigned on **February 10, 1994**.

**VI. Depositions**

The party wishing to use deposition testimony at trial shall list the depositions. Additionally, designations and objections shall be submitted in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994**.

CIVIL NO. 98-1478 (RLA)

Page 6

**VII. Witnesses**

Each party shall identify witnesses to be presented at trial and include a brief, one paragraph, offer of proof.

**VIII. Expert Witnesses**

When applicable, each party shall list its expert witness and include his/her curriculum vitae and an offer of proof. If an expert report has been produced, THE REPORT SHALL BE SUBMITTED IN CONJUNCTION WITH THE OFFER OF PROOF.

**IX. Itemized Statement of Special Damages**

In the event that the issue of special damages may arise, an itemized statement of special damages shall be incorporated into the Proposed Joint Pretrial Order. The party or parties not in agreement with the proposed statement shall include its/their opposition in this section.

**X. Estimated Length of Trial**

Parties shall indicate the estimated length of trial.

Counsel are hereby admonished that the failure to comply with any of the terms of this Order may result in the imposition of sanctions upon them personally and/or dismissal of the action, as the Court deems appropriate.

CIVIL NO. 98-1478 (RLA)

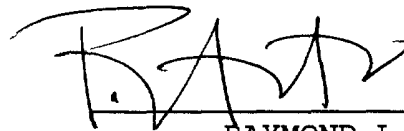
Page 7

STANDING ORDER

The parties shall also file a TRIAL BRIEF<sup>3</sup> no later than **March 13, 2000**, in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994**. The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked prior to trial.

IT IS SO ORDERED.

San Juan, Puerto Rico, this <sup>15<sup>th</sup></sup> day of October, 1999.



RAYMOND L. ACOSTA

United States District Judge

---

<sup>3</sup> Courtesy copy shall be delivered directly to the chambers of the undersigned.

CIVIL NO. 98-1478 (RLA)

Page 8

---

**SUMMARY OF DISCOVERY DEADLINES**

12/10/99	Deadline for parties to propound written discovery
12/10/99	Deadline for fact witnesses depositions
12/14/99	Deadline for expert witness report(s)
1/14/00	Deadline for deposition(s) of expert witness(es)
1/31/00	Deadline for serving dispositive motions, if any, in accordance with Standing Order
3/2/00	Deadline for filing of Joint Pretrial Order
3/9/00	PRETRIAL/SETTLEMENT CONFERENCE at 3:30 p.m.
*****	Parties to meet with Deputy Clerk to mark evidence
3/13/00	Deadline for filing of Trial Briefs
3/16/00	JURY TRIAL at 9:30 a.m.